

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

# PCT

To:

Fletcher Yoder, PC  
Attn. Swanson, Tait R.  
P.O. Box 692289  
Houston TX 77269-2289  
ETATS-UNIS D'AMERIQUE

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION

**DOCKETED**  
FOR 10/12/2008  
BY 8/19/08  
RECD BY 8-20-08

(PCT Rule 44.1)

Date of mailing (day/month/year)	12/08/2008
Applicant's or agent's file reference OTE-031088	<b>FOR FURTHER ACTION</b> See paragraphs 1 and 4 below
International application No. PCT/US2007/078436	International filing date (day/month/year) 13/09/2007
Applicant  CAMERON INTERNATIONAL CORPORATION	

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the International Search Report.

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70

**For more detailed instructions,** see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.  
☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

**4. Reminders**



Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90*bis*.1 and 90*bis*.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the International Searching Authority  European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer  Monika Langerova	
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# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference  OTE-031088	<b>FOR FURTHER ACTION</b>		see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No.  PCT/US2007/078436	International filing date (day/month/year)  13/09/2007	(Earliest) Priority Date (day/month/year)  13/09/2006	
Applicant  CAMERON INTERNATIONAL CORPORATION			

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

a. With regard to the **language**, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed  
☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6b/s(a)).

c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box No. II)

3. ☐ **Unity of invention is lacking** (see Box No. III)

4. With regard to the **title**,

- ☒ the text is approved as submitted by the applicant  
☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

- ☒ the text is approved as submitted by the applicant  
☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority

6. With regard to the **drawings**,

- a. the figure of the **drawings** to be published with the abstract is Figure No. 5  
☒ as suggested by the applicant  
☐ as selected by this Authority, because the applicant failed to suggest a figure  
☐ as selected by this Authority, because this figure better characterizes the invention  
b. ☐ none of the figures is to be published with the abstract

# INTERNATIONAL SEARCH REPORT

International application No

PCT/US2007/078436

## A. CLASSIFICATION OF SUBJECT MATTER

INV. E21B17/20 E21B33/068

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

E21B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 2004/154790 A1 (CORNELSSEN MICHAEL JAMES [CA] ET AL) 12 August 2004 (2004-08-12)	1,9,10, 12-14, 16-19,24
Y	paragraphs [0003], [0005]; figure 3	2-8,15, 20-23,25
X	WO 2005/047646 A (ENHANCED RECOVERY LTD DES [GB]; DONALD IAN [GB]; REID JOHN [GB]) 26 May 2005 (2005-05-26)	9
Y	figures 20,35	2-8,15, 20-23,25

☐ Further documents are listed in the continuation of Box C.

☒ See patent family annex.

### \* Special categories of cited documents:

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \*Z\* document member of the same patent family

Date of the actual completion of the international search

5 August 2008

Date of mailing of the international search report

12/08/2008

Name and mailing address of the ISA/

European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax: (+31-70) 340-3016

Authorized officer

Bellingacci, F

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No

PCT/US2007/078436

Patent document cited in search report		Publication date	Patent family member(s)		Publication date
US 2004154790	A1	12-08-2004	CA	2454857 A1	07-08-2004
WO 2005047646	A	26-05-2005	AU	2004289864 A1	26-05-2005
			CA	2526714 A1	26-05-2005

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

## PCT

### WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/US2007/078436

International filing date (day/month/year)  
13.09.2007

Priority date (day/month/year)

International Patent Classification (IPC) or both national classification and IPC  
INV. E21B17/20 E21B33/068

Applicant  
CAMERON INTERNATIONAL CORPORATION

**1. This opinion contains indications relating to the following items:**

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

Name and mailing address of the ISA:



European Patent Office  
D-80298 Munich  
Tel. +49 89 2399 - 0 Tx: 523656 epmu d  
Fax: +49 89 2399 - 4465

Date of completion of  
this opinion

see form  
PCT/ISA/210

Authorized Officer

Bellingacci, F

Telephone No. +49 89 2399-2784



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2007/078436

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of:
  - ☒ the international application in the language in which it was filed
  - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ on paper
    - ☐ in electronic form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in electronic form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2007/078436

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	<u>2-8,11,15,20-23,25</u>
	No: Claims	<u>1,9,10,12-14,16-19,24</u>
Inventive step (IS)	Yes: Claims	
	No: Claims	<u>1-25</u>
Industrial applicability (IA)	Yes: Claims	<u>1-15</u>
	No: Claims	

2. Citations and explanations

see separate sheet

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**Box No. VI Certain documents cited**

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1. Certain published documents (Rules 43bis.1 and 70.10)

and /or

2. Non-written disclosures (Rules 43bis.1 and 70.9)

see form 210

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**Box No. VII Certain defects in the international application**

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The following defects in the form or contents of the international application have been noted:

see separate sheet

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**Box No. VIII Certain observations on the international application**

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The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Reference is made to the following documents:

D1 = US 2004/154790 A

D2 = WO 2005/047646 A

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

V-1 The subject-matter of claim 1 is unclear, see following point VIII-1. As far as that subject-matter can be understood the closest prior art is D1, which discloses a mineral extraction system, comprising:

- a branch (fig. 3) having a branch passage (76);
- a diverter (18) coupled to the branch passage; and
- a capillary injection conduit (30) disposed inside to the branch passage.

The subject-matter of claim 1 is therefore not new and the claim does not meet the corresponding requirement of Art 33 PCT.

V-2 The features of dependant claims 2-8 appears to be new, but are made obvious by the combination of D1 with D2, fig. 20. A more detailed examination of the claim is not however possible as it would imply too many arbitrary assumptions and restrictions on the scope of claim 1.

V-3 Second independent claim 9 does not meet the conciseness requirement of Art. 6 PCT (see following point VIII-2). Anyhow, the prior art closest to its subject-matter is D1, which discloses a chemical capillary injector (see last line of par. 0003 and par. 0005, fifth line from the end), comprising a chemical injection capillary conduit (30) configured to mount inside a production passage (fig. 3), wherein the chemical injection capillary conduit comprises an inlet (at ref. sign 30 in fig. 3) and an outlet configured to terminate proximate a well formation (necessary so, given that the expression "well formation" is no better defined).

The subject-matter of claim 9 is therefore not new.

For completeness it is added that the subject-matter of claim 9 is new in against fig.



35 of D2 only in that D2 does not specify that the coiled tubing is a "capillary" conduit. As a "capillary conduit" is, in the contest of the present application, nothing else than a coil tubing of reduced diameter, the skilled man would find obvious to use the arrangement of fig. 35 also for capillary conduits, whereby the subject-matter of claim 9 does not involve an inventive step against D2.

V-4 The subject-matter of claims 10 and 12-14 is also known from D1, fig. 3 (and D2, fig. 35), and the subject-matter of the remaining dependant claims 11 and 15 appears to amount to obvious arrangements.

V-5 The objections raised to claims 1-15 apply also to the further independent claims 16, 23, 24 and related dependant claims, whereby it results that the subject-matter of claims 16-19 and 24 is not new against D1, while the subject-matter of claims 20-23 and 25 is new but it does not involve an inventive step.

#### **Re Item VII**

##### **Certain defects in the international application**

- VII-1 The independent claims are not properly cast in the two part form, with those features which in combination are part of the prior art being placed in the preamble, contrary to the requirements of Rule 6.3(b) PCT.
- VII-2 The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).
- VII-3 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in D1 and D2 is not mentioned in the description, nor are said documents identified therein.

#### **Re Item VIII**

##### **Certain observations on the international application**

- VIII-1 It is believed that claim 1 is directed to the embodiment of fig. 5 of the present application, as it is the only embodiment which discloses a capillary conduit located in a "branch". That embodiment however relates to a specific type of diverter which is located partially inside the chock body of a tree of a well. Claim 1 however neither specifies the location of the diverter nor its type: as a "mineral extraction system"

includes entities as a complete mine, the unqualified term "branch" does not imply the presence of a tree (or of any other oil field equipment) and a "diverter", even in the context of the application, includes anything ranging from a valve to a plug or to a bypass conduit, is it apparent that the subject-matter of claim 1 is not supported by the description and it is unclear. The same conclusion applies also to claim 23.

VIII-2 To satisfy the conciseness requirement of Art. 6 PCT the set of claims should include only the minimum necessary number of independent claims in any one category. Said requirement is not satisfied by claims 1, 9, 16, 23 and 24, as in the present case it is considered appropriate to use only one independent claim in any category.

VIII-3 Claim 4 is formulated as dependant on claim 3 which on its turn is formulated as dependant on claim 1. Claim 4 however relates to "the inner conduit" which is defined only in claim 2. Claim 4 should have been formulated as dependant, directly or indirectly, on claim 2.

## Possible steps after receipt of the international search report (ISR) and written opinion of the International Searching Authority (WO-ISA)

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### General information

For all international applications filed on or after 01/01/2004 the competent ISA will establish an ISR. It is accompanied by the WO-ISA. Unlike the former written opinion of the IPEA (Rule 66.2 PCT), the WO-ISA is not meant to be responded to, but to be taken into consideration for further procedural steps. This document explains about the possibilities.

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### Amending claims under Art. 19 PCT

Within 2 months after the date of mailing of the ISR and the WO-ISA the applicant may file amended claims under Art. 19 PCT directly with the International Bureau of WIPO. The PCT reform of 2004 did not change this procedure. For further information please see Rule 46 PCT as well as form PCT/ISA/220 and the corresponding Notes to form PCT/ISA/220.

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### Filing a demand for international preliminary examination

In principle, the WO-ISA will be considered as the written opinion of the IPEA. This should, in many cases, make it unnecessary to file a demand for international preliminary examination. If the applicant nevertheless wishes to file a demand this must be done before expiry of 3 months after the date of mailing of the ISR/ WO-ISA or 22 months after priority date, whichever expires later (Rule 54bis PCT). Amendments under Art. 34 PCT can be filed with the IPEA as before, normally at the same time as filing the demand (Rule 66.1 (b) PCT).

If a demand for international preliminary examination is filed and no comments/amendments have been received the WO-ISA will be transformed by the IPEA into an IPRP (International Preliminary Report on Patentability) which would merely reflect the content of the WO-ISA. The demand can still be withdrawn (Art. 37 PCT).

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### Filing informal comments

After receipt of the ISR/WO-ISA the applicant may file informal comments on the WO-ISA directly with the International Bureau of WIPO. These will be communicated to the designated Offices together with the IPRP (International Preliminary Report on Patentability) at 30 months from the priority date. Please also refer to the next box.

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### End of the international phase

At the end of the international phase the International Bureau of WIPO will transform the WO-ISA or, if a demand was filed, the written opinion of the IPEA into the IPRP, which will then be transmitted together with possible informal comments to the designated Offices. The IPRP replaces the former IPER (international preliminary examination report).

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### Relevant PCT Rules and more information

Rule 43 PCT, Rule 43bis PCT, Rule 44 PCT, Rule 44bis PCT, PCT Newsletter 12/2003, OJ 11/2003, OJ 12/2003